

PART I
D.C. PERSONNEL REGULATIONS
CHAPTER 24
REDUCTIONS IN FORCE
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D.C. PERSONNEL REGULATIONS

2400 APPLICABILITY

- 2400.1 The provisions of sections 2400 through 2499 of this chapter shall apply to:
- (a) All employees appointed in the Career Service under the authority of section 801 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Official Code § 1-608.01 (2006 Repl. & 2011 Supp.));
 - (b) Employees in the Educational Service in the Office of the State Superintendent of Education under the authority of section 801a of the CMPA (D.C. Official Code § 1-608.01a (2006 Repl. & 2011 Supp.));
 - (c) Any attorneys appointed to the Excepted Service; and
 - (d) All line attorneys and supervisory and non-supervisory attorneys who do not occupy Senior Executive Attorney Service positions who are appointed to the Legal Service under the authority of sections 851 through 862 of the CMPA (D.C. Official Code §§ 1-608.51, *et seq.* (2006 Repl. & 2011 Supp.)).
- 2400.2 The provisions of sections 2438 through 2446 of this chapter apply to:
- (a) All attorneys appointed to the Senior Executive Attorney Service under the authority of section 853 of the CMPA (D.C. Official Code § 1-608.53 (2006 Repl. & 2011 Supp.));
 - (b) All employees appointed to the Excepted Service under the authority of sections 901 through 908 of the CMPA (D.C. Official Code §§ 1-609.01, *et seq.* (2006 Repl. & 2011 Supp.)); and
 - (c) All employees appointed to the Management Supervisory Service under the authority of sections 951 through 958 of the CMPA (D.C. Official Code §§ 1-609.51, *et seq.* (2006 Repl. & 2011 Supp.)).
- 2400.3 The provisions of sections 2438 through 2445 of this chapter shall apply to all employees appointed to the Executive Service under the authority of sections 1051 through 1063 of the CMPA (D.C. Official Code §§ 1-610.51, *et seq.* (2006 Repl. & 2011 Supp.)).
- 2400.4 The provisions of sections 2409 and 2499 of this chapter shall apply to all employees in the Senior Executive Attorney, Excepted, and Management Supervisory Services only when applying the provisions of sections 2438 through 2446 of this chapter.
- 2400.5 The provisions of sections 2409 and 2499 of this chapter shall apply to all employees in the Executive Service only when applying the provisions of sections 2438 through 2445 of this chapter.

2401 ACTIONS COVERED

2401.1 Each personnel authority shall follow these regulations when releasing a competing employee from his or her competitive level when the release is required by any of the following:

- (a) Lack of work;
- (b) Shortage of funds;
- (c) Reorganization or realignment; or
- (d) The exercise of restoration rights as provided in 38 U.S.C. § 2021 *et seq.*

2402 ACTIONS NOT COVERED

2402.1 This chapter shall not apply to the following:

- (a) The termination of a temporary promotion;
- (b) The return of an employee to the position from which the employee was promoted on a temporary or term basis;
- (c) Reassignment or demotion to a different position that is not at a lower grade than the position from which an employee was temporarily promoted;
- (d) The return to a former or comparable position of a supervisor or manager who failed to satisfactorily complete the required probationary period;
- (e) Termination of a term appointment upon its expiration date;
- (f) Termination of a temporary appointment, including a Temporary Appointment Pending Establishment of a Register (TAPER);
- (g) Reduction in grade as a result of a position classification action affecting the employee's position;
- (h) Demotion as a result of change in classification standards or error in the application of either of the following:
 - (1) Classification or qualification standards; or
 - (2) Time-in-grade requirements for promotion;
- (i) The separation of an employee or a change in an employee's position or grade as a result of an action taken pursuant to Chapter 16 of these regulations; or

- (j) Separation of an employee who is not within reach for release from his or her competitive level for refusal to accept a reassignment either to a vacant position or to an encumbered position in his or her competitive level through displacement action.

2402.2 To the extent inconsistent with the provisions of a collective bargaining agreement, this chapter shall not apply to employees covered by such agreement with respect to the specific inconsistencies.

2403 AGENCY CONSIDERATIONS PRIOR TO PLANNING A REDUCTION IN FORCE

2403.1 Planning the work program and organizing the work force to accomplish the work program within available resources shall be the responsibilities of the agency.

2403.2 An agency may, within its budget authorization, take appropriate action, prior to planning a reduction in force, to minimize the adverse impact on employees or the agency. Examples of such actions are the following:

- (a) Job sharing and reduced working hours under section 2404 of this chapter;
- (b) Reassigning employees to vacant positions which have been determined to be essential to the continued maintenance of the agency's operation;
- (c) Filling vacancies with temporary employees to perform essential work, or contracting out such work, until the reduction in force takes place;
- (d) Freezing vacancies when reductions in funds are anticipated; and
- (e) Furloughing employees in accordance with the provisions of sections 2438 through 2446 of this chapter when reductions in expenditures are required.

2404 JOB SHARING AND REDUCED WORKING HOURS

2404.1 An employee may be assigned to job sharing or reduced working hours, provided the following conditions are met:

- (a) The employee is not serving under an appointment with a specific time limitation; and
- (b) The employee has voluntarily requested such an assignment in response to the agency's request for volunteers for the purpose of considering the provisions of subsection 2403.2(a) of this chapter in order to preclude conducting, or to minimize the adverse impact of, a reduction in force.

2405 GENERAL PROVISIONS

2405.1 Each personnel authority and agency head shall apply the rules set forth in sections 2400 through 2431 of this chapter when conducting a reduction in force.

2405.2 Personnel authorities and agencies may, in order to minimize the adverse impact of a reduction in force, offer a released employee a vacant position for which he or she qualifies.

- 2405.3 The need to apply reduction-in-force procedures shall not suspend an agency's authority and responsibility to discipline, remove, demote, or reassign any employee under any other chapter of these regulations.
- 2405.4 Personnel authorities have authority over the preparation for, and implementation of, a reduction in force, provided that agencies under the personnel authority of the Mayor shall not plan or conduct the reduction in force without the Mayor's approval, as provided in subsection 2406.4 of this chapter.
- 2405.5 If the personnel authority finds that preparations are contrary to these regulations, the personnel authority shall require appropriate corrective action. Such action shall be implemented prior to the completion of the reduction in force.
- 2405.6 An action which has been found by the personnel authority or the Office of Employee Appeals to be erroneous as a result of procedural error shall be reconstructed and a re-determination made of the appropriate action under the provisions of this chapter.
- 2405.7 The retroactive reinstatement of a person who was separated by a reduction in force under this chapter may only be made on the basis of a finding of a harmful error as determined by the personnel authority or the Office of Employee Appeals. To be harmful, an error shall be of such a magnitude that in its absence the employee would not have been released from his or her competitive level.
- 2405.8 During a reduction in force, the agency, with the approval of the personnel authority, may increase or decrease the number of positions previously identified for abolishment.

2406 CONDUCTING A REDUCTION IN FORCE

- 2406.1 If a determination is made that a reduction in personnel is to be conducted pursuant to the provisions of sections 2400 through 2431 of this chapter, the agency shall submit a request to the appropriate personnel authority to conduct a reduction in force (RIF).
- 2406.2 Upon approval of the request as provided in subsection 2406.1 of this section, the agency conducting the reduction in force shall prepare a RIF Administrative Order, or an equivalent document, identifying the competitive area of the RIF; the positions to be abolished, by position number, title, series, grade, and organizational location; and stating the reason for the RIF.
- 2406.3 Any changes following the submission and approval of the request to conduct a reduction in force shall be made by issuance of an amendment to the administrative order by the agency.
- 2406.4 The approval by the appropriate personnel authority of the RIF Administrative Order by the appropriate personnel authority shall constitute the authority for the agency to conduct a reduction in force.

2407 UNAUTHORIZED DETAILS

- 2407.1 Any agency head initiating a reduction in force shall assure that no covered employee in the affected competitive area is serving on an unauthorized detail.

2408 DETERMINING RETENTION STANDING

2408.1 The retention standing of each competing employee shall be determined on the basis of tenure of appointment, length of creditable service, veterans preference, residency preference, and relative work performance, and on the basis of other selection factors as provided in these regulations. Together these factors shall determine whether an employee is entitled to compete with other employees for employment retention and, if so, with whom, and whether the employee is retained or released.

2409 COMPETITIVE AREA

2409.1 Except as provided in this section, each agency shall constitute a single competitive area.

2409.2 Lesser competitive areas within an agency may be established by the personnel authority.

2409.3 An agency head may request the personnel authority to establish lesser competitive areas within the agency by submitting a written request which includes all of the following:

- (a) A description of the proposed competitive area or areas which includes a clearly stated mission statement, the operations, functions, and organizational segments affected;
- (b) An organizational chart of the agency which identifies the proposed competitive areas; and
- (c) A justification for the need to establish a lesser competitive area.

2409.4 Any lesser competitive area shall be no smaller than a major subdivision of an agency or an organizational segment that is clearly identifiable and distinguished from others in the agency in terms of mission, operation, function, and staff.

2409.5 Employees in one competitive area shall not compete with employees in another competitive area.

2410 COMPETITIVE LEVELS

2410.1 Each personnel authority shall determine the positions which comprise the competitive level in which employees shall compete with each other for retention.

2410.2 Assignment to a competitive level shall be based upon the employee's position of record.

2410.3 An employee's position of record is the position for which the employee receives pay or the position from which the employee has been temporarily reassigned or promoted on a temporary or term basis.

2410.4 A competitive level shall consist of all positions in the competitive area identified pursuant to section 2409 of this chapter in the same grade (or occupational level), and classification series and which are sufficiently alike in qualification requirements, duties, responsibilities, and working conditions so that the incumbent of one (1) position could successfully perform the duties and responsibilities of any of the other positions, without any loss of productivity beyond that normally expected in the orientation of any new but fully qualified employee.

2410.5 The composition of a competitive level shall be determined on similarity of the qualification requirements, including selective factors, to perform the major duties of the position successfully, the title and series of the positions, and other factors prescribed in this section and section 2411 of this chapter.

2411 SEPARATE COMPETITIVE LEVELS

2411.1 Separate competitive levels shall be established for the following:

- (a) Positions under different pay schedules;
- (b) Positions filled on a seasonal basis;
- (c) Positions filled on a part-time basis;
- (d) Positions filled on an intermittent basis;
- (e) Positions filled by supervisors or managers; and
- (f) Positions filled by employees in a formally designated trainee or developmental program having all the characteristics covered in subsection 2411.3 of this section.

2411.2 Employees whose official position descriptions have the same title, series, and grade, but who have specialties which are identified on their position descriptions by parenthetical titles in accordance with applicable classification standards, shall be assigned to separate competitive levels.

2411.3 A position shall be considered as being formally designated in a trainee or developmental program if it has all the following characteristics:

- (a) The program was designed to meet the agency's needs and requirements for the development of skilled personnel;
- (b) The program was formally designated, with its provisions made known to employees and supervisors;
- (c) The program is developmental by design, offering planned growth in duties and responsibilities, and providing advancement in recognized lines of career progression; and
- (d) The program is fully implemented, with the participants chosen through competitive selection procedures of Chapter 8 of these regulations.

2412 RETENTION REGISTER

2412.1 A retention register shall be established by the appropriate personnel office whenever a competing employee is to be released from his or her competitive level.

2412.2 A separate retention register shall be prepared for each competitive level in the competitive area.

- 2412.3 The retention register shall document the final action taken, and the effective date of that action, for each employee released from his or her competitive level.
- 2412.4 Each competitive level shall be identified by the title, series, and grade of the position(s) that composed the competitive level.
- 2412.5 When a competitive level consists of two (2) or more different titles, each position title shall be identified on the retention register.
- 2412.6 The retention register for each competitive level shall list all positions in the competitive level. A written justification shall be attached to the retention register when positions of the same title, series, and grade are placed in different competitive levels.
- 2412.7 The retention register shall include all of the following:
- (a) The name of each competing employee in the competitive level, whether in duty status or paid or unpaid leave status;
 - (b) The name of each competing employee in the competitive level who is receiving continuation of pay under section 2318 of the CMPA (D.C. Official Code § 1-623.18 (2006 Repl.));
 - (c) The name of each competing employee in the competitive level who is in a leave-without-pay status based upon receipt of disability compensation benefits under sections 2301 through 2347 of the CMPA (D.C. Official Code §§ 1-623.01, *et seq.* (2006 Repl. & 2011 Supp.));
 - (d) The name of each competing employee detailed or temporarily reassigned from the competitive level;
 - (e) The name of each competing employee temporarily promoted from the competitive level by a temporary or term promotion; and
 - (f) The name of each competing employee on a temporary assignment from the competitive level to a governmental entity, an institution of higher education, or a private sector organization pursuant to Chapter 27 of these regulations.
- 2412.8 An employee on military duty with restoration rights as specified in Chapter 8 of these regulations shall not be placed on a retention register.
- 2412.9 An employee who has received a written decision under Chapter 16 of these regulations to demote him or her shall compete for retention in the position to which he or she will be demoted.
- 2412.10 At the bottom of the retention register, or on a separate list appended to the retention register, in the order set forth below, shall be the following:
- (a) The name and expiration date of the appointment or reassignment of each employee serving in a position in the competitive level who is in a specifically limited temporary appointment or on a temporary reassignment;

- (b) The name and expiration date of promotion of each employee serving in a position in the competitive level on a temporary or term promotion; and
- (c) The name of each employee serving in a position in the competitive level with a current performance rating of “Inadequate Performer,” which is Level 1 of the Performance Management system set forth in Chapter 14 of these regulations; or a current performance rating at the level equivalent to “Inadequate Performer” under the Legal Service performance appraisal system set forth in Chapter 36 of these regulations, as applicable.

2412.11 Career Service employees who have transitioned from the Performance Evaluation System (PES) established in accordance with part II of chapter 14 of the District Personnel Manual to the Performance Management system set forth in chapter 14 of these regulations, will receive their first (1st) performance rating under the new system on or after September 30, 2009. Accordingly, for reductions in force occurring before an employee receives a rating under the new performance rating system and for the purposes of subsection 2412.10(c) of this section, official performance ratings under the PES shall be utilized, as applicable. The same shall apply to any Legal Service employees transitioning to another performance appraisal system, as appropriate.

2413 RETENTION STANDING: TENURE GROUPS

- 2413.1 The name of each competing employee shall be listed on the retention register in the order of his or her retention standing.
- 2413.2 Competing employees shall be categorized on a retention register in the groups listed in subsection 2413.3 of this section on the basis of tenure of employment, including additional credit as provided in sections 2416 and 2417 of this chapter.
- 2413.3 The retention register groups, in descending order of retention standing, shall be tenure group I, group II, and group III.
- 2413.4 Within each group, employees shall be listed by their reduction-in-force service computation date, as defined in subsection 2415.3 of this chapter, beginning with the earliest date.
- 2413.5 Tenure group I shall include each employee (other than an employee in group II or group III) who is not serving a probationary period.
- 2413.6 Tenure group II shall include the following:
- (a) Each employee serving a probationary period; and
 - (b) Each employee who has completed his or her probationary period, and who is in an obligated position.
- 2413.7 Tenure group III shall include each employee serving under an indefinite appointment, a TAPER appointment, or a term appointment.

2414 NONCOMPETING EMPLOYEES

- 2414.1 An employee serving under a temporary appointment shall be a non-competing employee in a reduction in force and shall be terminated ahead of any competing employee in his or her competitive level without regard to length of creditable service or preference eligibility, unless the positions in the competitive level are not affected by the reduction in force.
- 2414.2 An employee with a current performance rating of “Inadequate Performer” or a current performance rating at the level equivalent to “Inadequate Performer” under the Legal Service performance appraisal system set forth in chapter 36 of these regulations, as applicable, shall be a non-competing employee in a reduction in force and shall be terminated ahead of any competing employee in his or her competitive level without regard to length of creditable service or preference eligibility, unless the positions in the competitive level are not affected by the reduction in force.
- 2414.3 To ensure that non-competing employees are separated ahead of competing employees, they shall be listed separately below group III employees on the retention register or on a separate list appended to the retention register, as provided in subsection 2412.10 of this chapter.

2415 RETENTION STANDING: LENGTH OF SERVICE

- 2415.1 Creditable service in determining length of service shall include all federal government, District government, and military service otherwise creditable for Civil Service Retirement System purposes under title 5 U.S.C. § 8332 or District government retirement under sections 2602 or 2603 of the CMPA (D.C. Official Code §§ 1-626.02 or 1-626.03 (2006 Repl.)).
- 2415.2 A reduction-in-force service computation date shall be established for each competing employee as specified in this section.
- 2415.3 An employee’s reduction-in-force service computation date shall be the date that reflects total creditable service plus additional service credit, if applicable, for a performance rating of “Role Model” (Level 5 of the Performance Management system set forth in chapter 14 of these regulations) or a current performance rating at the level equivalent to “Role Model” under the Legal Service performance appraisal system set forth in chapter 36 of these regulations, as applicable; veterans preference, and residency preference. The reduction-in-force service computation date shall be one (1) of the following:
- (a) The date of entrance on duty, when there is no previous creditable service;
 - (b) The date obtained by subtracting total creditable previous service from the date the employee last entered on duty; or
 - (c) The date obtained by subtracting from the date established by subsection 2415.3(a) or (b) of this section the additional service credit allowed for one (1) or more of the following:
 - (1) A current performance rating of “Role Model” or equivalent performance rating under the Legal Service performance appraisal system, as applicable, in accordance with subsection 2416.1 of this chapter;

- (2) A preference eligible in accordance with subsections 2417.4 and 2417.5 of this chapter; and
- (3) Residency preference in accordance with section 2418 of this chapter.

2415.4 Career Service employees who have transitioned from the Performance Evaluation System (PES) established in accordance with part II of chapter 14 of the District Personnel Manual to the Performance Management system set forth in chapter 14 of these regulations will receive their first (1st) performance rating under the new system on or after September 30, 2009. Accordingly, for reductions in force occurring before an employee receives a rating under the new performance rating system, and for the purposes of subsection 2415.3 of this section, official performance ratings under the PES shall be utilized, as applicable. The same shall apply to any Legal Service employees transitioning to another performance appraisal system, as appropriate.

2416 RETENTION STANDING: PERFORMANCE RATING

- 2416.1 Each employee who has a current performance rating of “Role Model,” which is Level 5 of the Performance Management system set forth in chapter 14 of these regulations, or a current performance rating at the level equivalent to “Role Model” under the Legal Service performance appraisal system set forth in chapter 36 of these regulations, as applicable, shall be credited with four (4) years of additional service.
- 2416.2 The current performance rating shall be the performance rating for the year which ended on the March 31st, August 31st, or September 30th, as applicable, that precedes the date of the reduction-in-force notice.
- 2416.3 To be credited under subsection 2416.1 of this section, the performance rating must have been officially acted upon with all the necessary approvals, received in the appropriate personnel office maintaining the official personnel folder no later than thirty (30) days before the close of business of the day immediately before the reduction-in-force notice is issued.
- 2416.4 A performance rating received by the personnel authority after the date specified in subsection 2416.3 of this section shall not change the employee’s retention standing.
- 2416.5 Career Service employees who have transitioned from the Performance Evaluation System (PES) established in accordance with part II of chapter 14 of the District Personnel Manual to the Performance Management system set forth in chapter 14 of these regulations will receive their first (1st) performance rating under the new system on or after September 30, 2009. Accordingly, for reductions in force occurring before an employee receives a rating under the new performance rating system and for the purposes of this section, official performance ratings under the PES shall be utilized, as applicable. The same shall apply to any Legal Service employees transitioning to another performance appraisal system, as appropriate.

2417 RETENTION STANDING: VETERANS PREFERENCE

- 2417.1 In accordance with section 2402 (b)(1) of the CMPA (D.C. Official Code § 1-624.02(b)(1) (2006 Repl. & 2011 Supp.)), veterans preference eligibility shall be determined in accordance with federal law and regulations issued by the U.S. Office of Personnel Management.
- 2417.2 Pursuant to the regulations referred to in subsection 2417.1 of this section, a retired member of a military service shall be considered preference eligible under this chapter only if he or she meets at least one (1) of the following conditions:
- (a) The employee's military retirement is based on disability that either:
 - (1) Resulted from injury or disease received in the line of duty as a direct result of armed conflict; or
 - (2) Was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by 38 U.S.C. §§ 101 and 301;
 - (b) The employee's military service does not include twenty (20) or more years of full-time active service, regardless of when performed. However, this total does not include periods of active service for training; or
 - (c) The employee has been employed continuously since November 30, 1964 in a position without a break in service of more than thirty (30) days.
- 2417.3 An employee who would otherwise be considered a preference eligible under conditions in subsections 2417.2(b) or (c) of this section shall not be considered a preference eligible for purposes of this chapter if the employee retired at or above the rank of major or its equivalent.
- 2417.4 A preference eligible employee having a service-connected disability of thirty percent (30%) or more shall be credited with eight (8) years of additional service.
- 2417.5 A preference eligible employee other than as described in subsection 2417.4 of this section shall be credited with four (4) years of additional service.

2418 RETENTION STANDING: RESIDENCY PREFERENCE

- 2418.1 Three (3) years of additional service shall be credited to each competing employee who is eligible for a residency preference as provided in subsection 2418.2 of this section.
- 2418.2 Residency preference eligibility in a reduction in force shall be afforded to all of the following:
- (a) Each competing employee who is a bona fide resident of the District of Columbia;
 - (b) Each competing employee who is not a resident of the District of Columbia, but who was hired prior to January 1, 1980 and has continued employment without a break in service of one (1) workday or more since that date; and

- (c) Each competing employee who is not a resident of the District of Columbia, but who was a former employee of the U.S. Department of Health & Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987, pursuant to the provisions of § 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (P.L. 98-621; 98 Stat. 3376; 24 U.S.C. § 225e(b)), and who has continued employment without a break in service of one (1) workday or more since that date.

2419 EFFECTIVE DATE OF RETENTION STANDING

- 2419.1 The retention standing of each employee released from his or her competitive level shall be determined as of the date of release.
- 2419.2 When the personnel authority discovers an error in the determination of an employee's retention standing, it shall correct the error and adjust any erroneous reduction-in-force action in accordance with the employee's true retention standing as of the effective date established under this section.

2420 RELEASE FROM COMPETITIVE LEVEL

- 2420.1 A competing employee shall not be released from a competitive level while any of the following is retained in that level:
 - (a) An employee with a specifically limited temporary appointment;
 - (b) An employee with a specifically limited temporary or term promotion; or
 - (c) An employee with a performance rating of "Inadequate Performer" or a current performance rating at the level equivalent to "Inadequate Performer" under the Legal Service performance appraisal system set forth in chapter 36 of these regulations as applicable.
- 2420.2 A competing employee shall not be released from a competitive level while an employee with lower retention standing is retained in that level, except as required under section 2421 of this chapter when an employee is retained under a mandatory exception.
- 2420.3 Competing employees shall be selected for release from a competitive level in the inverse order of retention standing, beginning with the employee with the lowest retention standing on the retention register.
- 2420.4 When one (1) or more but not all employees with the same reduction-in-force service computation dates in the same tenure group must be released from a competitive level, the ties shall be broken as follows:
 - (a) The employee who encumbers the position to be abolished shall be released;
 - (b) If still tied, the employee who has the least service in the agency shall be released; and
 - (c) If still tied, the last digit of the social security number shall be used, and the employee with the lowest last digit shall be released.

- 2420.5 When an employee is selected for release from his or her competitive level, the personnel authority shall separate the employee from service.
- 2420.6 Career Service employees who have transitioned from the Performance Evaluation System (PES) established in accordance with part II of chapter 14 of the District Personnel Manual to the Performance Management system set forth in chapter 14 of these regulations will receive their first (1st) performance rating under the new system on or after September 30, 2009. Accordingly, for reductions in force occurring before an employee receives a rating under the new performance rating system; and for the purposes of subsection 2420.1 of this section, official performance ratings under the PES shall be utilized, as applicable. The same shall apply to any Legal Service employees transitioning to another performance appraisal system, as appropriate.

2421 MANDATORY EXCEPTIONS

- 2421.1 When employees are released from their competitive levels under section 2420 of this chapter, the special retention preferences outlined in this section shall be applicable.
- 2421.2 Each group I or II preference eligible employee entitled to retention for one (1) year after restoration under the Vietnam Veterans Readjustment Assistance Act of 1974 (38 U.S.C. § 2021 *et seq.*), shall be retained over other employees in his or her tenure group for the retention period.
- 2421.3 Each group I or II non-preference eligible employee entitled to retention for either six (6) months or one (1) year after restoration under the Vietnam Veterans Readjustment Assistance Act of 1974 (38, U.S.C. § 2021 *et seq.*), shall be retained over other employees in his or her tenure group for the retention period.
- 2421.4 The retention register shall indicate the reasons for any deviation from the regular order of selection required by subsections 2421.2 and 2421.3 of this section, respectively.

2422 NOTICE TO EMPLOYEES

- 2422.1 Each competing employee selected for release from his or her competitive level under this chapter shall be entitled to written notice at least thirty (30) full days before the effective date of the employee's release.
- 2422.2 The notice required by subsection 2422.1 of this section shall not be issued until the administrative order provided for in subsection 2406.3(a) of this chapter, or any amendment to that order, has been approved by the appropriate personnel authority.
- 2422.3 A notice shall not be issued less than thirty (30) days before the effective date of the employee's release.
- 2422.4 In counting the thirty-day (30-day) minimum notice period, the day the employee receives the notice shall be omitted; and a notice period that ends on a Saturday, Sunday, or legal holiday shall be automatically extended to the next workday.
- 2422.5 An agency shall not retain an employee beyond the end of the notice period.

- 2422.6 The notice to the employee shall specify the effective date of the employee's release from his or her competitive level.
- 2422.7 A notice shall expire when followed by the action specified in the notice, or in an amendment made to the notice before the agency takes the action. Such amendment shall be permitted without extension of the notice period only when the action to be taken is less severe than the action in the original notice.
- 2422.8 A reduction-in-force action shall not be taken before the effective date of a notice.
- 2422.9 An employee shall be retained in an active duty status during the notice period, unless on leave pursuant to section 1203 of the CMPA (D.C. Official Code § 1-612.03 (2006 Repl.)).
- 2422.10 Except as provided in subsection 2422.11 of this section, an employee who receives written notice of release from his or her competitive level due to a reduction in force shall be entitled to be retained in an active duty status during the notice period.
- 2422.11 An employee who receives written notice of release from his or her competitive level due to reduction in force may be placed on administrative leave at the discretion of the agency head (or his or her designee).

2423 CONTENT OF NOTICE

- 2423.1 Each notice shall state the following:
- (a) The specific action to be taken and its effective date;
 - (b) The employee's competitive area, competitive level, tenure group, and reduction-in-force service computation date;
 - (c) The place where the employee may inspect the regulations and records pertinent to his or her case;
 - (d) The reasons for retaining a lower-standing employee in the same competitive level, if applicable;
 - (e) The employee's appeal rights, including the time limit for appeal and the location of the office to which an appeal should be sent; and
 - (f) If applicable, specific information concerning the employee's right to priority placement consideration, including the method in which the employee will be referred for agency reemployment priority consideration when the reduction in force was conducted in a lesser competitive area.
- 2423.2 A notice may either be a complete single notice, or a notice with an attachment containing the information specified in subsection 2423.1(f) of this section.

2424 RECORDS

- 2424.1 Each personnel authority shall maintain the correct records needed to determine the retention standing of competing employees.
- 2424.2 Each personnel authority shall allow inspection of retention registers and related records by the following:
- (a) An employee of the agency who is affected by the reduction in force (or his or her representative);
 - (b) A supervisor or manager whose unit is affected by the reduction in force;
 - (c) The Corporation Counsel (or his or her designee) representing the District government in a matter pursuant to this chapter;
 - (d) The Office of Employee Appeals (OEA), to the extent that requested registers and records have a bearing upon an appeal before the OEA; and
 - (e) Others who are determined by the personnel authority to have a legitimate need to review these materials in order to carry out their official duties.
- 2424.3 All registers and records relating to an employee shall be preserved intact for at least one (1) year from the date the employee is issued a specific reduction-in-force notice, or until any appeal is decided, whichever is later.

2425 APPEALS

- 2425.1 An employee who has received a notice of reduction in force may file an appeal with the Office of Employee Appeals (OEA) under the provisions of OEA's regulations if he or she believes that his or her agency has incorrectly applied the provisions of this chapter.
- 2425.2 Any appeal filed with the OEA shall be filed within thirty (30) days of the effective date of the agency action.

2426 PRIORITY PLACEMENT CONSIDERATION FOR ATTORNEYS IN THE LEGAL SERVICE AND EXCEPTED SERVICE

- 2426.1 The following attorneys shall be eligible for priority consideration under the agency reemployment priority program upon separation from their competitive level:
- (a) Line attorneys in the Legal Service;
 - (b) Supervisory or non-supervisory attorneys in the Legal Service who do not occupy Senior Executive Attorney Service positions; and
 - (c) Attorneys appointed to the Excepted Service who do not have reinstatement eligibility to the Career Service.
- 2426.2 Priority consideration under the agency reemployment program for attorneys described

in § 2426.1 shall be limited only to other attorney positions in the Service the individual was serving in at the time of separation that are at grades no higher than the grade held by the employee at the time of separation.

2426.3 An employee as described in subsection 2426.1 of this section who has reinstatement eligibility to the Career Service and who is separated from his or her competitive level shall be eligible for priority consideration, under the agency reemployment priority program and the displaced employee program, for positions for which qualified, at grades no higher than the grade last held under a Career Appointment (Permanent) or at any lower grade acceptable to the employee.

2427 AGENCY REEMPLOYMENT PRIORITY PROGRAM

2427.1 The personnel authority shall establish and maintain a reemployment priority list for each agency in which it separates group I and II employees.

2427.2 As appropriate, when a reduction in force is conducted in a lesser competitive area established pursuant to section 2409 of this chapter, the personnel authority may:

- (a) Limit the agency reemployment priority list to group I and group II employees separated from the lesser competitive area in which the reduction in force was conducted; and
- (b) Limit referrals pursuant to this section and section 2428 of this chapter to positions within the lesser competitive area in which the reduction in force occurs.

2427.3 The reemployment priority list shall be annotated to identify those employees who are eligible for placement assistance limited to other attorney positions only, as provided in subsection 2426.1 of this chapter

2427.4 A group I employee's name shall remain on the reemployment priority list for two (2) years, and a group II employee's name for one (1) year, from the date he or she was separated from his or her competitive level.

2427.5 An employee covered under the provisions of this section shall be entered automatically on the reemployment priority list immediately after it has been determined that the employee is to be adversely affected by the reduction in force and not later than issuance of the notice of reduction in force.

2427.6 Except as provided in subsection 2426.1 of this chapter, the employee's name shall be entered on the appropriate agency reemployment priority list for all positions for which qualified as follows:

- (a) At his or her grade level at the time of separation; and
- (b) At any lower grade acceptable to the employee.

2427.7 The agency may delete an employee's name from the list when he or she declines a non-temporary position with a tour of duty similar to the position from which separated that is at the same grade level from which he or she was separated or at any lower grade acceptable to the employee.

2428 APPOINTMENTS FROM AGENCY REEMPLOYMENT PRIORITY LISTS

- 2428.1 When a qualified person is available on the agency reemployment priority list, including a lesser competitive area reemployment priority list, as appropriate, a Career Service position within the competitive area shall not be filled except as provided in Chapter 8 of these regulations concerning priority placement categories and order of priority, and shall not be filled by the following:
- (a) A new appointment;
 - (b) Transfer; or
 - (c) Reemployment of a person not on the appropriate agency reemployment priority list.
- 2428.2 Subsection 2428.1 of this section shall not apply when all qualified persons on the agency reemployment priority list decline or fail to respond to offers of employment.
- 2428.3 In selecting employees on the agency reemployment priority list from among those adversely affected by reduction in force, but who have not yet been separated, offers of employment shall be made according to the employees' relative standing in their competitive levels. In this regard, a lower standing employee shall not be offered a position if a higher standing employee qualifies for the position, unless the higher standing employee declines the position.
- 2428.4 The order of priority in selecting from an agency reemployment priority list shall be as follows:
- (a) For positions from which separated, offers of employment shall be made according to the displaced employee's relative standing in his or her competitive level. In this regard, a lower standing displaced employee shall not be offered a position if a higher standing displaced employee is on the agency reemployment priority list, unless the higher standing displaced employee declines the position; and
 - (b) For positions other than from which separated, preference shall be given to a tenure group I displaced employee over a tenure group II displaced employee, without regard to their relative standing within the tenure group.
- 2428.5 When a position becomes available in the agency or lesser competitive area in which the reduction in force is conducted, as applicable, preference shall be given to the reemployment of a person who is on the agency reemployment priority list over a person who is on the displaced employee program list under section 2429 of this chapter.
- 2428.6 A personnel authority may appoint a person not on the agency reemployment priority list or a person on the list with lower standing than others on the list only when it is necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency or lesser competitive area by a person on the list with higher standing than the person appointed.

2429 DISPLACED EMPLOYEE PROGRAM

- 2429.1 Each personnel authority shall establish and maintain a displaced employee program list for priority placement referral of its displaced employees to all agencies or any other identifiable organizational components within the personnel authority under its administrative control.

- 2429.2 The D.C. Department of Human Resources (DCHR) may establish and maintain a displaced employee program list for priority referral of employees displaced by reduction in force in any subordinate agency with personnel authority. Subordinate agencies with personnel authority include the Child and Family Services Agency, the Department of Mental Health, and the Department of Disability Services.
- 2429.3 A group I employee's name shall remain on the displaced employee program list for two (2) years, and a group II employee's for one (1) year, from the date he or she was separated from his or her competitive level.
- 2429.4 The displaced employee program shall be separate and distinct from the Agency Reemployment Priority Program in sections 2427 and 2428 of this chapter.
- 2429.5 The displaced employee program list shall consist of the following:
- (a) Displaced employees in tenure groups I or II who were separated from their positions by reduction in force; and
 - (b) Each displaced employee in tenure group I or II who fully recovers from a compensable injury, as defined in sections 2301 through 2347 of the CMPA (D.C. Official Code §§ 1-623.01, *et seq.* (2006 Repl. & 2011 Supp.)), more than one (1) year after the date compensation began, and who applies for reappointment within thirty (30) days of the date of cessation of compensation.
- 2429.6 The employee's name shall be entered on the displaced employee program list for all positions for which qualified as follows:
- (a) At his or her grade level at the time of separation; and
 - (b) At any lower grade acceptable to the employee.
- 2429.7 The personnel authority may delete an employee's name from the list when he or she declines a non-temporary position, with a tour of duty similar to the position from which separated, that is at the same grade level from which he or she was separated or at any lower grade acceptable to the employee.

2430 APPOINTMENT FROM DISPLACED EMPLOYEE PROGRAM LIST

- 2430.1 When a qualified person is available on the personnel authority's displaced employee program list, a Career Service position shall not be filled except as provided in Chapter 8 of these regulations concerning priority placement categories and order of priority, and shall not be filled by the following:
- (a) A new appointment;
 - (b) Transfer; or
 - (c) Reemployment of a person not on the displaced employee program list.

- 2430.2 Subsection 2430.1 of this section shall not apply when all qualified persons on the displaced employee program list decline or fail to respond to offers of reemployment.
- 2430.3 In selecting from a displaced employee program list, preference shall be given to tenure group I employees over tenure group II employees.
- 2430.4 A personnel authority may appoint a person not on the displaced employee program list or a person on the list with lower standing than others on the list only when it is necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency by a person on the list or a person on the list with higher standing than the person appointed.

2431 SEVERANCE PAY

- 2431.1 An employee separated by reduction in force pursuant to this chapter shall be entitled to severance pay not to exceed twenty-six (26) weeks' pay at the rate received immediately before the separation, computed in accordance with the provisions of section 1148 of Chapter 11 of these regulations and as provided in section 2431.2 of this section, on the basis of the employee's basic pay, length of creditable service, and age, as follows:
- (a) To a Career Service employee who is involuntarily separated in accordance with this chapter;
 - (b) To an attorney in the Legal Service, other than an attorney in the Senior Executive Attorney Service, who is involuntarily separated in accordance with this chapter; or
 - (c) To an attorney in the Excepted Service who is involuntarily separated in accordance with this chapter.
- 2431.2 In computing an employee's creditable service for severance pay purposes, additional service credit shall be provided as follows:
- (a) Four (4) years for an employee who qualifies for veterans preference as provided in section 2417 of this chapter;
 - (b) Three (3) years for an employee who qualifies for residency preference, as follows:
 - (1) Each competing employee who is a bona fide resident of the District of Columbia;
 - (2) Each competing employee who is not a resident of the District of Columbia, but who was hired prior to January 1, 1980 and has continued employment without a break in service of one (1) workday or more since that date; and
 - (3) Each competing employee who is not a resident of the District of Columbia, but who was a former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987, pursuant to the provisions of section 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved

November 8, 1984 (P.L. 98-621; 98 Stat. 3376; 24 U.S.C. section 225e (b)), and who has continued employment without a break in service of one (1) workday or more since that date.

2431.3 Total severance pay of an employee described in section 2431.1 of this section shall be limited to not more than twenty-six (26) calendar weeks during the employee's total years of service in the District government, except that severance pay totaling twenty-six (26) weeks or less received prior to October 21, 1998 shall not be counted for this purpose.

2432 – 2437 (RESERVED)

2438 FURLOUGH – COVERAGE

2438.1 A furlough may be conducted, in accordance with sections 2438 through 2445 of this chapter, when it is required for budgetary reasons.

2438.2 The provisions of sections 2409 and 2499 of this chapter shall apply to furloughs conducted pursuant to sections 2438 through 2445 of this chapter.

2438.3 Except as provided in section 2439 of this chapter, when a furlough is approved or directed pursuant to section 2441 of this chapter, all employees of the agency or any lesser competitive area authorized by the personnel authority pursuant to section 2409 of this chapter shall be furloughed for the same number of hours in the leave year, or, in the case of part-time employees, for a prorated number of hours.

2439 FURLOUGH – EXEMPTIONS

2439.1 A personnel authority may exempt from a furlough any employee who carries out public health or public safety functions.

2439.2 Any exemption that the personnel authority approves pursuant to subsection 2439.1 of this section, must be made applicable to:

(a) Every employee in a competitive level within the competitive area; or

(b) Every employee in a competitive level within the competitive area who is assigned to the same geographic location.

2440 GENERAL PROVISIONS FOR A FURLOUGH

2440.1 Each personnel authority shall have the authority to approve or direct a furlough for the reason set forth in subsection 2438.1 of this chapter; provided that agencies under the personnel authority of the Mayor shall not plan or conduct a furlough without the specific approval of the Mayor.

2440.2 Each personnel authority shall have authority over the preparation for and implementation of furloughs.

2440.3 If the personnel authority finds that the preparation for or implementation of a furlough is contrary to these regulations, the personnel authority shall require appropriate corrective action.

2440.4 Time in a non-pay status as a result of a furlough conducted pursuant to subsection 2438.1 of this chapter shall not affect an employee's waiting period for a within-grade increase.

2441 APPROVAL OR DIRECTIVE TO CONDUCT A FURLOUGH

2441.1 When a furlough is approved or directed by a personnel authority, the personnel authority shall prepare and issue an administrative order or equivalent identifying all of the following:

- (a) The reason for the furlough;
- (b) The agency or lesser competitive area in which the furlough is to be conducted;
- (c) Any exemptions from the furlough pursuant to section 2439 of this chapter;
- (d) The number of furlough hours; and
- (e) The designated pay period(s) in which the furlough is to be conducted.

2441.2 Any changes approved by the personnel authority following the issuance of an order to conduct a furlough, as provided in subsection 2441.1 of this section, shall be made by issuing an amendment to the administrative order or equivalent.

2442 REQUESTS TO CONDUCT A FURLOUGH

2442.1 If an agency determines that a furlough is required for the reason set forth in subsection 2438.1 of this chapter, the agency shall submit a request to the appropriate authority to conduct a furlough.

2442.2 A request for approval to conduct a furlough pursuant to subsection 2442.1 of this section, shall specify all of the following:

- (a) The basis for the request;
- (b) The competitive area, or any lesser competitive area authorized by the personnel authority pursuant to section 2409 of this chapter, in which the furlough is to be conducted;
- (c) Any requested exemptions pursuant to section 2439 of this chapter;
- (d) The number of furlough hours; and
- (e) The designated pay period(s) in which the furlough is to be conducted.

2443 SCHEDULING A FURLOUGH

2443.1 Except in the case of any part-time employee, who shall have furlough hours prorated, each employee in the competitive area is to be scheduled for the same number of furlough hours.

2443.2 Furlough dates shall be scheduled in full day increments, to the extent that full day increments are available.

2443.3 An employee shall not be furloughed on any date or at any time other than those specified in the notice to the employee.

2443.4 An employee shall be furloughed on each of his or her scheduled furlough dates regardless of any leave request or other reason for absence on the furlough date.

2443.5 An employee shall not be required to work on his or her scheduled furlough date and time.

2444 NOTICE TO EMPLOYEES OF A FURLOUGH

2444.1 Each employee to be furloughed shall be entitled to written notice at least thirty (30) full days before the employee's first furlough date.

2444.2 In counting the thirty-day (30-day) minimum notice period, the day the employee receives the notice shall be omitted; and a notice period that ends on a Saturday, Sunday or legal holiday shall be automatically extended to the next workday.

2444.3 An employee shall be entitled to a new written notice of at least thirty (30) full days if a decision is made to increase the number of scheduled furlough hours.

2445 CONTENT OF FURLOUGH NOTICE

2445.1 Each notice shall state the following:

- (a) The competitive area in which the furlough is to be conducted;
- (b) The dates and times on which the employee is to be furloughed;
- (c) The place where the employee may review the D.C. personnel regulations governing furloughs; and
- (d) The employee's rights, including, if applicable, the time limit for appeal and the location of the office to which an appeal should be sent.

2446 APPEAL OF A FURLOUGH

2446.1 An employee who has received a notice of furlough under section 2444 of this chapter, may file an appeal with the Office of Employee Appeals (OEA) under the provisions of OEA's regulations, unless otherwise provided under a collective bargaining agreement if he or she believes that his or her agency has incorrectly applied the provisions of sections 2438 through 2445 of this chapter.

2499 DEFINITIONS

2499.1 When used in this chapter, the following terms shall have the meaning ascribed:

Agency – any unit of the District government required by law, by the Mayor of the District of Columbia, or by the Council of the District of Columbia (Council) to administer any law, rule, or regulation adopted under authority of law. The term agency shall also include any unit of the District government created or organized by the Council as an agency.

Competing employee – an employee in tenure groups I, II, or III.

Competitive area – the organizational boundaries in which a reduction in force or a furlough is conducted.

Competitive level – the grouping of similar positions (in a competitive area) within which employees compete for retention.

Creditable service – all service in the employ of the District or federal government that is creditable for purposes of the employee's retirement system.

Days – calendar days, unless otherwise specified.

Detail – a temporary assignment of an employee to a different position to meet a temporary need for a specified period, with the employee returning to his or her regular duties at the end of the detail. An employee may be detailed to an established or an unestablished position. A position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed.

Displaced employee – a former employee in the Career Service, a line attorney in the Legal Service, a supervisory and a non-supervisory in the Legal Service who does not occupy a Senior Executive Attorney Service position, or an Excepted Service attorney who was separated by reduction in force.

Furlough – the temporary involuntary placement of all employees within a competitive area in a non-duty, non-pay status for an equitable period of time within a leave year for the reason set forth in § 2438.1.

Job sharing – the occupancy of a continuing position, which is budgeted as a full-time position, by two (2) or more employees on a part-time basis continuously during a designated period. This option may be appropriately used when the agency determines that the position needs to be filled on a full-time basis in order to avoid disrupting its operation.

Obligated position – a position to which an employee has restoration rights under the provisions of the Vietnam Veterans Readjustment Assistance Act of 1974 (38 U.S.C. § 2021 *et seq.*).

One round of competition – a round of lateral competition for job retention in the employee's competitive level.

Personnel authority – an individual or entity with the authority to administer all or part of a personnel management program as provided in section 401 of the CMPA (D.C. Official Code §§ 1-604.01, *et seq.* (2006 Repl. & 2011 Supp.))

Preference eligible – a veteran preference eligible as defined in 5 U.S.C. § 2108 and § 2417 of this chapter.

Realignment – an action which affects the internal structure or functions of an agency, but which does not constitute a reorganization.

Reduced working hours – the occupancy of a position by one (1) individual on less than a full-time basis and the employee is placed in a non-duty, non-pay status either continuously or discontinuously during a designated period. This option may be appropriately used when the agency determines that the position may be filled on a part-time basis temporarily, without undue interruption of the work program.

Released employee – an employee who has been reached for release from his or her competitive level.

Reorganization – the action taken for the purposes of carrying out the objectives of section 2 of the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Official Code § 1-315.01 (2006 Repl.)), which results in the transfer, consolidation, abolishment, addition, or authorization with respect to functions and hierarchy, between or among agencies, and which affects the structure or structures thereof, and which is subject to adoption by legislative action, including consideration by the Council of the District of Columbia, in accordance with the Act; including but not limited to the: (1) transfer of the whole or part of an agency, or the whole or part of the functions thereof, to the jurisdiction and control of another agency; (2) consolidation of the whole or part of an agency, or the whole or part of the functions thereof, with the whole or part of another agency or the functions thereof; (3) the abolishment of the whole or part of an agency wherein such agency or part thereof does not have or will not have any functions; or (4) authorization of an officer or agency head to delegate functions vested in specific officers or agency heads not presently authorized to be delegated, except as provided in D.C. Official Code § 1-204.22(6) (2006 Repl. & 2011 Supp.)).

Retention register – the listing of employees occupying positions in a competitive level by tenure group and reduction-in-force service computation date.

Retention standing – the employee's standing on the retention register in relation to other competing employees within his or her competitive level.

Temporary Appointment Pending Establishment of a Register (TAPER) – a time-limited appointment to a continuing position in the Career Service or Management Supervisory Service that the personnel authority approved and established when:

- (a) There are insufficient eligible candidates on an appropriate register or in the absence of a list of eligible candidates; and
- (b) The public interest requires that the vacancy be filled before eligibles can be certified.

Temporary appointment – an appointment with a specific time limitation of one (1) year or less.

Tenure group – the retention group in which competing employees shall be categorized according to their current type of appointment.

Term appointment – an appointment with a specific time limitation in excess of one (1) year, but not exceeding four (4) years, unless extended by the personnel authority as provided in Chapter 8 of these regulations, or as otherwise provided by statute.

D.C. Register Updates for Chapter 24 of the D.C. Personnel Regulations,
Reductions in Force

The following *D.C. Register* citations identify when a given section(s) of Chapter 24, Reductions in Force, of Title 6 of the District of Columbia Municipal Regulations, was amended. Following the publication in the *D.C. Register* of subsequent final rulemaking notices, this Addendum will be updated accordingly.

For the convenience of DPM subscribers, the Addendum identifies amendments on a section-by-section basis; identifies the page(s) in a DPM Transmittal impacted by the amendment(s); and provides brief comments on the amendment(s) accomplished.

<i>D.C. Register</i> Date	Section(s)	Change(s) Reflected on Page(s)	Comments
32 DCR 1182 (3/1/85)	2400, 2401, 2402, 2403, 2404, 2466	Entire chapter	None
37 DCR 7119 (11/9/90)	2401, 2402, 2409, 2412, 2434	Transmittal No. 21 Entire chapter	None
38 DCR 6158 (10/4/91)	2437, 2440	Unknown	The rules amended the chapter to eliminate the seventy-two hour (72-hour) limit on full agency furloughs.
40 DCR 2114 (3/26/93)	2401, 2402, 2414, 2415, 2416, 2422, 2435	Transmittal No. 34 Entire chapter	The rules amended the chapter to restrict full furlough appeal rights to Career and Excepted Service employees; conformed to the provisions in Chapter 8, Career Service, regarding TAPER employees; and eliminated the requirement to apply for placement in the displaced employee program, making placement automatic for all eligible employees.
47 DCR 2425 (4/7/00)	Entire chapter	Transmittal No. 56 Entire chapter	None
50 DCR 10573 (12/12/03)		Transmittal No. 106 Entire chapter	The rules amended the chapter to update the applicability provisions; certain references to performance ratings in the chapter; specified that the appropriate personnel authority shall be responsible for making a final determination that a reduction in force is necessary; modified the definition of the term "competitive level;" changed the advance notice periods for reductions in force and furloughs from 15 to 30 days; added provisions stating that an employee who receives a written notice of release from his or her competitive level due to reduction in force shall be entitled to be retained in an active duty status during the notice period unless the agency head (or his or her designee) places the employee on administrative leave during that period; updated the priority placement provisions applicable to attorneys subject to reduction in force; added language stating the

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			procedures for priority placement consideration for reductions in force conducted in lesser competitive areas; updated D.C. Official Code citation in chapter; and made other minor modifications.
55 DCR 012899 (12/26/08)	2429, 2431, 2499	Transmittal No. 178 Pages 17, 18, 19, 22	The rules amended the chapter for the main purpose of adding new sections 2429.2 and 2429.3 to the chapter, to provide that the DCHR may establish and maintain displaced employee program lists for priority placement referral of employees displaced by reductions in force conducted in subordinate agencies with personnel authority.
59 DCR 008400 (7/13/12)	Sections 2400, 2402.1(f), 2403.2(a), 2403.2(e), 2404.1(b), 2405.1, 2405.4, 2406, 2410.4, 2410.5, 2411.1(f), 2412.7(b), 2412.7(c), 2412.10(c), 2412.11, 2413.2, 2413.4, 2414.2, 2414.3, 2415.1, 2415.3, 2415.4, 2416, 2417, 2418.1, 2420.1(c), 2420.2 2420.6, 2421.1, 2421.4, 2422.2, 2422.9, 2422.10, 2423.2, 2426.3, 2427.2, 2427.3, 2427.6, 2428.2, 2428.5, 2429.5(b), 2430.2, 2438, 2439.2, 2440.1, 2440.4, 2441.1(c), 2441.2, 2442.1, 2442.2, 2446.1, 2499	Transmittal No. 207 Entire chapter	These rules amend section 2400 to add employees within the Educational Service in the Office of the State Superintendent of Education to the list of employees to which the chapter applies; amend subsections 2406.2 and 2406.3 to delete obsolete references to “D.C. Standard Form 52 (DCSF-52);” update references to performance rating levels and rating periods in subsections 2412.10(c), 2414.2, 2415.3, 2416.1, 2416.2, and 2420.1(c); and add new subsections 2412.11, 2415.4, 2416.5, and 2420.6, relating to the transition of certain employees from the Performance Evaluation System, or “PES,” into the Performance Management system and the impact on this transition on reduction-in-force matters. Additionally, section 2406, “Conducting a Reduction in Force,” and the provisions contained in sections 2438, 2439, 2441, 2442, and 2446 were amended. In addition, definitions of the terms “Agency,” “Personnel authority,” “Reorganization”, and “Temporary Appointment Pending Establishment of a Register (TAPER)” in section 2499 of the chapter are being amended.